

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW C. POLSON,

Defendant.

ORDER

01-cr-53-jcs
08-cv-576-bbc

On September 30, 2008, defendant Andrew Polson filed a postconviction motion under 28 U.S.C. § 2255 to vacate, set aside or correct the sentence imposed on him on September 27, 2001. On November 18, 2008, I denied the motion as untimely. Now defendant has filed a Petition for Writ of Mandamus pursuant to 28 U.S.C. § 1361 in which he requests the preparation of his plea and sentencing transcripts. I construe his request as one made pursuant to 28 U.S.C. §753(f), which provides in relevant part:

Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States . . . if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

Defendant states that he wishes to use the transcripts to “argue this matter.” Because defendant’s § 2255 motion was dismissed on the ground that it was untimely, I see no reason why the transcripts would be of assistance to defendant. Therefore, his request for preparation of the transcripts at government expense will be denied without prejudice.

If defendant wishes, he may obtain a copy of the transcripts at his own expense by writing directly to the Court Reporters Office, United States District Court, 120 N. Henry Street, Madison, WI, 53703, (608) 255-3821.

ORDER

IT IS ORDERED that defendant’s motion for preparation of transcripts at government expense pursuant to 28 U.S.C. §753(f) is DENIED without prejudice.

Entered this 3d day of December, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge